

§ 199.1

Subpart C—Alcohol Misuse Prevention Program

- 199.200 Purpose.
- 199.201 [Reserved]
- 199.202 Alcohol misuse plan.
- 199.203–199.205 [Reserved]
- 199.209 Other requirements imposed by operators.
- 199.211 Requirement for notice.
- 199.213 [Reserved]
- 199.215 Alcohol concentration.
- 199.217 On-duty use.
- 199.219 Pre-duty use.
- 199.221 Use following an accident.
- 199.223 Refusal to submit to a required alcohol test.
- 199.225 Alcohol tests required.
- 199.227 Retention of records.
- 199.229 Reporting of alcohol testing results.
- 199.231 Access to facilities and records.
- 199.233 Removal from covered function.
- 199.235 Required evaluation and testing.
- 199.237 Other alcohol-related conduct.
- 199.239 Operator obligation to promulgate a policy on the misuse of alcohol.
- 199.241 Training for supervisors.
- 199.243 Referral, evaluation, and treatment.
- 199.245 Contractor employees.

AUTHORITY: 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

SOURCE: 53 FR 47096, Nov. 21, 1988, unless otherwise noted.

Subpart A—General

§ 199.1 Scope.

This part requires operators of pipeline facilities subject to part 192, 193, or 195 of this chapter to test covered employees for the presence of prohibited drugs and alcohol.

[Amdt. 199–19, 66 FR 47117, Sept. 11, 2001]

§ 199.2 Applicability.

(a) This part applies to pipeline operators only with respect to employees located within the territory of the United States, including those employees located within the limits of the “Outer Continental Shelf” as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) This part does not apply to any person for whom compliance with this part would violate the domestic laws or policies of another country.

(c) This part does not apply to covered functions performed on—

(1) Master meter systems, as defined in § 191.3 of this chapter; or

49 CFR Ch. I (10–1–10 Edition)

(2) Pipeline systems that transport only petroleum gas or petroleum gas/air mixtures.

[Amdt. 199–19, 66 FR 47117, Sept. 11, 2001]

§ 199.3 Definitions.

As used in this part—

Accident means an incident reportable under part 191 of this chapter involving gas pipeline facilities or LNG facilities, or an accident reportable under part 195 of this chapter involving hazardous liquid pipeline facilities.

Administrator means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

Covered employee, employee, or individual to be tested means a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors.

Covered function means an operations, maintenance, or emergency-response function regulated by part 192, 193, or 195 of this chapter that is performed on a pipeline or on an LNG facility.

DOT Procedures means the Procedures for Transportation Workplace Drug and Alcohol Testing Programs published by the Office of the Secretary of Transportation in part 40 of this title.

Fail a drug test means that the confirmation test result shows positive evidence of the presence under DOT Procedures of a prohibited drug in an employee’s system.

Operator means a person who owns or operates pipeline facilities subject to part 192, 193, or 195 of this chapter.

Pass a drug test means that initial testing or confirmation testing under DOT Procedures does not show evidence of the presence of a prohibited drug in a person’s system.

Performs a covered function includes actually performing, ready to perform, or immediately available to perform a covered function.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the